

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9084 of 2024

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Sunil Manjhi son of Ram Ratan Manjhi, resident of Village- Shivajpur, Post-
Mocharim, P.S- Bodhgaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub Divisional Officer, Sadar, District- Gaya.
4. The District Supply Officer, Gaya.
5. The Block Supply Officer, Bodhgaya, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha
For the Respondent/s : Mr.Government Pleader (12)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

5 15-05-2025

RE: I.A. No. 01 of 2025

This interlocutory application has been filed for
addition of fresh relief in the main petition.

2. For the reasons stated in the interlocutory
application, it is allowed.

C.W.J.C. No.9084 of 2024

3. Heard the parties.

4. The present writ petition has been filed for the
following relief(s) :

*“(i) To issue appropriate order/s,
direction/s including a writ preferably in the
nature of certiorari for quashing the order as*



contained in memo No.143 dated 26.09.2023 passed by the Sub Divisional Officer, Sadar, Gaya, whereby and where under he has directed the Block Supply Officer, Bodhgaya, Gaya, to lodge the F.I.R. against the petitioner.

(ii) To issue an appropriate order/s, direction/s including a writ preferably in the nature of certiorari for quashing of the order dated 24.04.2024 as contained in Memo No.178/Aa dated 24.04.2024 passed by the learned S.D.O. Sadar, Gaya, whereby and where under he has cancelled the fair price shop license of the petitioner vide License No.38/2016.

(iii) To direct the respondent no.3 the S.D.O., Sadar, Gaya, to restore the P.D.S. dealership license of the petitioner henceforth with taking into consideration that the same is only means of earning livelihood.

(iv) To any other relief/s to which the petitioners are entitled in the facts and circumstances of the case.”

5. Learned counsel for the petitioner submits that the solitary ground given for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Magadh University P.S. Case No. 353 of 2023 had been instituted against the petitioner. Similarly, the impugned order has been passed on the sole ground of institution of the aforesaid FIR against the petitioner.



6. Learned counsel for the respondent-State has vehemently opposed the very maintainability of the present writ petition and stated that the petitioner is having an effective and alternative remedy of filing an appeal before the District Magistrate. Learned counsel has, therefore, prayed this Hon'ble Court to dismiss the present writ petition.

7. Having heard the parties and on consideration of the materials on record, this Court finds merit in the writ petition. A perusal of the PDS. (Control) Order, 2001 read with Rule 7 of the notification in G.S.R. No. 1 dated 20.02.2007 makes it clear that mere institution of a First Information Report would not constitute a valid ground for cancellation of the PDS licence. This view finds support from the decision of this Court in Umesh Ram vs. The State of Bihar and others, AIR 2014 Patna 113 as well.

8. In view of the above, the impugned order dated 24.04.2024 passed by Sub Divisional Officer, Sadar, Gaya, is hereby quashed.

9. Needless to say, supplies to the petitioner shall be restored without delay.

10. It is made clear that, in case, the petitioner is subsequently convicted in the criminal case instituted against



him, thereafter, the authorities are free to take necessary action
in accordance with law.

11. With the above directions, the Writ Petition stands
allowed to the extent indicated.

(A. Abhishek Reddy , J)

anand/-

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